

## **Remarks**

In the office action, the specification was objected to for improper incorporation by reference of a foreign patent document, for the use of the trademark plexiglas without capitalization, and for informalities. Claims 4 and 5 were furthermore objected to for informalities. In addition, claims 3-4 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1 and 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,466,037 to DeLena ("DeLena") in view of U.S. Patent No. 6,407,847 to Poll et al. ("Poll et al."). Finally, claim 2 and 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLena in view of U.S. Patent No. 4,091,793 to Hermann et al. ("Hermann et al."). In addition, the Examiner noted that an executed declaration had not yet been submitted.

In this response, Applicants have amended the specification and claims 1, 3, and 5. Applicants have further cancelled claims 2 and 4, and added new claims 15-17. As a result of these amendments, claims 1, 3, and 5-17 will be pending in this application, with claims 9-14 having been withdrawn from consideration. Applicants respectfully request reconsideration and withdrawal of the objections and rejections in view of the amendments and following remarks.

### **A. Executed Declaration:**

The Examiner noted that an executed declaration had not yet been submitted. Applicants submit that an executed declaration was submitted on February 5, 2004 as part of Applicants response to the Notice of Missing Parts. Applicants received a return receipt postcard stamped on February 9, 2004, evidencing the filing of the executed declaration.

Applicants submit herewith a copy of the Response to the Notice to File Missing Parts as filed on February 5, 2004, including a copy of the signed declaration together with a copy of the return receipt postcard, and respectfully request acknowledgement of receipt of the declaration.

### **B. Objections to the Specification:**

The specification was objected to for improper incorporation by reference of a foreign patent document, for the use of the trademark plexiglas without capitalization. In addition, the Examiner objected to a redundancy of the word "the" in paragraph [0007] and asserted that the meanings of the terms "bright transmission" and "dark transmission" and the determination of

the percentages in paragraph [0014] were unclear.

Applicants have amended the specification to remove the incorporations by reference to two foreign patent applications, to capitalize the word "PLEXIGLAS" (which is accompanied by the generic terminology) in paragraph [0015], and to remove the redundancy of the term "the" in paragraph [0007].

Regarding the clarity of the terms "bright transmission" and "dark transmission", in paragraph [0014], Applicants respectfully submit that those terms are explained in paragraph [0008] of the original specification, and that a person of ordinary skill in the art would understand that "bright transmission" of a glazing refers to the percentage of incident light transmitted through the glazing in an undarkened state, and "dark transmission" of a glazing refers to the percentage of incident light transmitted through the glazing in a darkened state. So as to provide more clarity in the application, Applicants have amended paragraph [0008] to specifically define those terms and have amended paragraph [0014] to more clearly describe how the percentages are derived. Support for those amendments is found in the original application, for example, at paragraphs [0008], [0009], [0014] and in the drawings.

Withdrawal of the objections to the specification is respectfully requested.

**C. Objections to the Claims:**

Claims 4 and 5 were furthermore objected to for informalities. The Examiner objected to the use of "darkened" and to the use of the acronym SPD.

Applicants have cancelled claim 4 without prejudice and have amended the claims to remove the term "darkened" and to use the term "suspended particle device" instead of SPD.

Withdrawal of the claim objections is respectfully requested.

**D. Rejections under 35 U.S.C. §112, Second Paragraph:**

Claims 3-4 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite because the term "dark" transmission was asserted as being unclear as was how the percentage would be measured.

Applicants have cancelled claim 4 without prejudice and have moved the "dark transmission" feature of claim 3 into claim 1. In view of the amendments to the specification, discussed above, Applicants respectfully submit that the term "dark transmission" has been

adequately defined, as has the determination of a percentage for the dark transmission.

Withdrawal of the rejections to claims 3-4 under 35 U.S.C. §112, second paragraph, is respectfully requested.

**E. Rejections under 35 U.S.C. §103(a):**

Claims 1 and 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLena in view of Poll et al. and claims 2 and 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLena in view of Hermann et al.

DeLena describes a panel of glass for use as a transparent sun roof for automobiles having a double glazed structure.

Poll et al. describes an electrochromic window assembly that includes an electrochromic device provides an air chamber between the electrochromic device and a substrate of the window, which may be filled with an insulating gas. The window assembly has a variable transmittance light filter.

Hermann describes a solar collector having a heat insulating transparent cover including a plurality of adjacently arranged sealed and evacuated glass tubes provided with an infrared reflecting layer.

Applicant has amended independent claim 1. As amended, claim 1 recites a self-darkening laminated vehicle window that includes:

- an outer glass pane;
- an inner glass pane;
- a function layer made of a low-emission material having an emission factor for infrared radiation of less than 0.5 disposed on an inside surface of the inner glass pane; and
- a suspended particle device film disposed between the inner glass pane and the outer glass pane and in contact with the inner glass pane and the outer glass plane, wherein the vehicle window has a dark transmission of less than or equal to 5 % and a bright transmission of more than 20 %.

Applicant respectfully submit that the combination of DeLena and Poll et al. do not teach or suggest all of the features of claim 1 as amended. Applicants further submit that Hermann et al., when combined with either or both of DeLena and Poll et al., also does not teach or suggest the features of amended claim 1. Specifically, the combination of references does not suggest the combination of a self-darkening window having the specific transmissions of incident light in

the darkened and undarkened states and a function layer having an infrared emission factor of less than 0.5 disposed on an inside surface of an inner glass pane.

Poll et al., as admitted, does not teach an infrared transmission factor of less than 0.5. Applicants further submit that Poll et al. does not describe the recited transmission percentages for incident light, nor has the Examiner specifically asserted that those are suggested by Poll et al. Applicants further submit that the other two references also do not teach the recited transmission features as neither DeLena, as admitted, nor Hermann et al. suggest a self-darkening laminated window at all.

Withdrawal of the rejections to independent claim 1 and dependent claims 2-8 is respectfully requested.

**F. New Claims 15-17:**

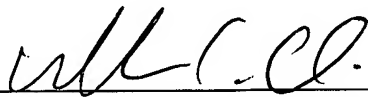
Applicants have added new claims 15-17, each of which depends from claim 1. Applicants respectfully submit that new claims 15-17 are directed to patentable subject matter and request allowance of those claims.

**CONCLUSION**

For at least the reasons stated above, Applicant requests withdrawal of the objections and rejections. It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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